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36547	7590	11/20/2006	EXAMINER	
BIR LAW, PLC 13092 GLASGOW CT. PLYMOUTH, MI 48170-5241			REVAK, CHRISTOPHER A	
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			2131	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,063

Applicant(s)

COLVIN, DAVID S.

Examiner

Christopher A. Revak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/5/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>see attached</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Information Disclosure Statement***

1. The information disclosure statements submitted are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-45 of U.S. Patent No. 6,044,471.

Although the conflicting claims are not identical, they are not patentably distinct from

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each other because claims 1-95 of the instant application are envisioned by patent claims 1-45 in that claims 1-45 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

4. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,460,142.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent claims 1-21 in that claims 1-21 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

5. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,502,195.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent claims 1-22 in that claims 1-22 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

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6. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,484,264.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent claims 1-20 in that claims 1-20 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

7. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-53 of U.S. Patent No. 6,446,211.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent claims 1-53 in that claims 1-53 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

8. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,799,277.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent claims 1-40 in that claims 1-40 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not

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patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

9. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,795,925.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent claims 1-19 in that claims 1-19 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

10. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,792,548.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent claims 1-19 in that claims 1-19 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

11. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,792,549.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent

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claims 1-12 in that claims 1-12 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

12. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-126 of U.S. Patent No. 6,813,717.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent claims 1-126 in that claims 1-126 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

13. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-140 of U.S. Patent No. 6,857,078.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent claims 1-140 in that claims 1-140 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

14. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-176 of U.S. Patent No. 6,785,825.

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Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent claims 1-176 in that claims 1-176 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

15. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-98 of U.S. Patent No. 6,813,718.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent claims 1-98 in that claims 1-98 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

16. Claims 1-95 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,986,063.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by patent claims 1-40 in that claims 1-40 of the patent claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

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17. Claims 1-95 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-100 of copending Application No. 10/605,060. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by co-pending claims 1-100 in that claims 1-100 of the co-pending claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the co-pending claims, and as such, are unpatentable for obvious-type double patenting.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

18. Claims 1-95 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-99 of copending Application No. 10/605,061. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by co-pending claims 1-99 in that claims 1-99 of the co-pending claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the co-pending claims, and as such, are unpatentable for obvious-type double patenting.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

19. Claims 1-95 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-86 of

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copending Application No. 10/605,062. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by co-pending claims 1-86 in that claims 1-86 of the co-pending claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the co-pending claims, and as such, are unpatentable for obvious-type double patenting.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

20. Claims 1-95 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-88 of copending Application No. 10/605,064. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by co-pending claims 1-88 in that claims 1-88 of the co-pending claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the co-pending claims, and as such, are unpatentable for obvious-type double patenting..

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

21. Claims 1-95 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-97 of copending Application No. 10/605,065. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant

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application are envisioned by co-pending claims 1-97 in that claims 1-97 of the co-pending claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the co-pending claims, and as such, are unpatentable for obvious-type double patenting..

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

22. Claims 1-95 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-94 of copending Application No. 10/605,067. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-95 of the instant application are envisioned by co-pending claims 1-94 in that claims 1-94 of the co-pending claims all the limitations of claims 1-95 of the instant application. Claims 1-95 of the instant application therefore are not patentably distinct from the co-pending claims, and as such, are unpatentable for obvious-type double patenting..

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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24. Claims 1-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Ananda, U.S. Patent 5,495,411.

As per claim 1, Ananda discloses of a method for securing software to reduce unauthorized use, the method comprising obtaining registration information corresponding to at least one authorized secondary device; generating an authentication code based on the registration information; associating the authentication code with the software; transferring the software to a primary user device; determining whether a current secondary device is authorized based on the authentication code associated with the software and registration information associated with the current secondary device; and controlling access to the software by the current secondary device based on whether the current secondary device is authorized (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; col. 6, lines 57-63; and col. 10, lines 4-15).

As per claim 2, Ananda teaches wherein the software comprises digital content selected from the group consisting of data representing music, data representing video, instructions executable by a computer, code for an application program, code for an operating system component, code for a game, data representing a movie, data representing graphics, data representing watermarked works, data representing a magazine, and data representing a book (col. 1, lines 17-19).

As per claim 3, it is disclosed by Ananda wherein the step of transferring the software is performed before the steps of obtaining registration information, generating an authentication code, and associating the authentication code (col. 3, lines 11-15 & 21-28).

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As per claim 4, it is taught by Ananda wherein the step of transferring comprises transferring the software from a computer readable storage medium (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 5, Ananda discloses wherein the step of transferring comprises transferring the software electronically (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 6, Ananda teaches wherein the step of transferring comprises transferring the software from a network (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 7, it is disclosed by Ananda wherein the steps of obtaining registration information, generating an authentication code, and associating the authentication code are performed by an authorized representative entity (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 8, it is taught by Ananda wherein the authorized representative entity is installed on or in the primary user device (col. 10, lines 4-15).

As per claim 9, Ananda discloses wherein the authorized representative entity is installed on or in the current secondary user device (col. 10, lines 4-15).

As per claim 10, Ananda teaches wherein an authorized representative entity is installed on or in the primary device and an authorized representative entity is installed on or in the current secondary user device (col. 10, lines 4-15).

As per claim 11, it is disclosed by Ananda wherein the authorized representative entity is remotely located relative to the primary and secondary devices (col. 10, lines 4-15).

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As per claim 12, it is taught by Ananda of obtaining registration information corresponding to the primary user device; generating an authentication code based on the registration information; associating the authentication code with the software; and controlling access to the software by a current primary user device based on whether the current primary user device is authorized (col. 3, lines 11-15 & 21-28 and col. 10, lines 4-15).

As per claim 13, Ananda discloses of further comprising installing an authorized representative entity on or in at least one of the primary and secondary user devices (col. 10, lines 4-15).

As per claim 14, Ananda teaches wherein the authorized representative entity performs the step of controlling access to the software by the current secondary device (col. 10, lines 4-15).

As per claim 15, it is disclosed by Ananda wherein the authorized representative entity is installed on or in the primary user device and wherein controlling access comprises preventing the software from being transferred to the current secondary device (col. 10, lines 4-15).

As per claim 16, it is taught by Ananda wherein the authorized representative entity is installed on or in the primary user device and wherein controlling access comprises modifying the software to generate reduced quality software; and transferring the reduced quality software to the current secondary device (col. 10, lines 4-15).

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As per claim 17, Ananda discloses wherein the primary user device comprises a computer and the at least one secondary device comprises a digital audio player (col. 10, lines 4-15).

As per claim 18, Ananda teaches wherein the step of controlling access to the software is performed by the current secondary device (col. 6, lines 57-63 and col. 10, lines 4-15).

As per claim 19, it is disclosed by Ananda wherein the step of controlling access to the software is performed by the primary user device (col. 10, lines 4-15).

As per claim 20, it is taught by Ananda wherein the step of controlling access to the software comprises transferring the authentication code corresponding to the at least one authorized secondary device along with the software to the current secondary device (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 21, Ananda discloses wherein the step of controlling access to the software comprises determining whether the current secondary device has an operable authorized representative entity (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 22, Ananda teaches of installing an authorized representative entity on or in the current secondary device if an operable authorized representative entity is not detected (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 23, it is disclosed by Ananda wherein the step of controlling access determines that the current secondary device includes an authorized representative entity installed on or in the device, the method further comprising transferring the software to the current secondary device; and controlling access to the software on the

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current secondary device using the authorized representative entity installed on or in the current secondary device (col. 3, lines 11-15 & 21-28; col. 10, lines 4-15; and col. 11, lines 61-65).

As per claim 24, it is taught by Ananda wherein the step of obtaining registration information comprises prompting the user to identify at least one secondary device (col. 3, lines 11-15 & 21-28 and col. 10, lines 4-15).

As per claim 25, Ananda discloses wherein the step of obtaining registration information comprises automatically obtaining registration information associated with at least one secondary device (col. 10, lines 4-15).

As per claim 26, Ananda teaches wherein the step of determining is performed by an authorized representative entity installed on the primary user device in communication with the current secondary device (col. 10, lines 4-15).

As per claim 27, it is disclosed by Ananda wherein the current secondary device is in wireless communication with the primary user device (col. 10, lines 4-15).

As per claim 28, it is taught by Ananda wherein the current secondary device is a personal digital assistant (col. 6, lines 57-63 and col. 10, lines 4-15).

As per claim 29, Ananda discloses wherein the step of controlling access to the software comprises preventing transfer of at least a portion of the software to the current secondary device (col. 10, lines 4-15).

As per claim 30, Ananda teaches wherein the step of controlling access to the software comprises preventing the current secondary device from utilizing the software (col. 10, lines 4-15).

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As per claim 31, it is disclosed by Ananda wherein the step of controlling access comprises providing a second file type for use with the secondary device (col. 10, lines 4-15).

As per claim 32, it is taught by Ananda wherein the steps of obtaining, generating, and associating are performed by the primary user device and the steps of determining and controlling are performed by the current secondary device (col. 3, lines 11-15 & 21-28 and col. 10, lines 4-15).

As per claim 33, Ananda discloses of further comprising encrypting the authentication code (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 34, Ananda teaches of further comprising associating an identifier with the software to trigger authentication by an authorized representative entity (col. 3, lines 11-49).

As per claim 35, it is disclosed by Ananda of further comprising disabling means for generating the authentication code (col. 3, lines 16-49).

As per claim 36, it is taught by Ananda wherein the software is included in a computer readable storage medium (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 37, Ananda discloses wherein the authentication code at least partially corresponds to a secondary device manufacturer (col. 9, lines 5-6 and col. 10, lines 4-15).

As per claim 38, Ananda teaches wherein the authentication code at least partially corresponds to a specific type of secondary device (col. 9, lines 5-6 and col. 10, lines 4-15).

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As per claim 39, it is disclosed by Ananda of further comprising securing the authentication code to hinder user tampering (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 40, it is taught by Ananda of a method for securing software having at least one associated authentication code to reduce unauthorized use, the method comprising intercepting a request to access the software; determining whether an authorized representative entity is available to authenticate a user device for which software access is requested; if an operational authorized representative entity is available, using the authorized representative entity to determine if the user device for which software access is requested is authorized based on the at least one authentication code and providing access to the software if the user device is authorized; and if an operational authorized representative entity is not available, installing an authorized representative entity from the software and determining whether the user device is authorized using the installed authorized representative entity (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; col. 6, lines 57-63; and col. 10, lines 4-15).

As per claim 41, Ananda discloses wherein the software comprises digital content selected from the group consisting of data representing music, data representing video, instructions executable by a computer, code for an application program, code for an operating system component, code for a game, data representing a movie, data representing graphics, data representing watermarked works, data representing a magazine, and data representing a book (col. 1, lines 17-19).

As per claim 42, Ananda teaches wherein the step of intercepting comprises intercepting a request to transfer the software from a primary user device to a secondary user device (col. 3, lines 11-15 & 21-28 and col. 10, lines 4-15).

As per claim 43, it is disclosed by Ananda wherein the step of intercepting comprises intercepting a request to utilize the software (col. 3, lines 11-15 & 21-28).

As per claim 44, it is taught by Ananda wherein the step of determining comprises determining whether an authorized representative entity is installed on or in a secondary device (col. 10, lines 4-15).

As per claim 45, Ananda discloses of transferring the software to a secondary device if the secondary device is determined to be authorized based on the at least one authentication code (col. 10, lines 4-15).

As per claim 46, Ananda teaches wherein a primary device determines whether the secondary device is authorized (col. 10, lines 4-15).

As per claim 47, it is disclosed by Ananda wherein a remote authorized representative entity determines whether the secondary device is authorized (col. 10, lines 4-15).

As per claim 48, it is taught by Ananda of a method for securing software to reduce unauthorized use, the method comprising associating an identifier with the software to request authentication; distributing the software to a user; detecting the identifier associated with the software to activate authentication using an authorized representative installed on a primary user device; obtaining registration information associated with at least one secondary device; generating an authentication code based

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on the registration information; linking the authentication code to the software; and controlling access to the software by a secondary device based on the authentication code (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; col. 6, lines 57-63; and col. 10, lines 4-15).

As per claim 49, Ananda discloses wherein the step of obtaining registration information comprises prompting a user to identify at least one secondary device (col. 3, lines 11-49 and col. 10, lines 4-15).

As per claim 50, Ananda teaches wherein the software comprises digital content selected from the group consisting of data representing music, data representing video, instructions executable by a computer, code for an application program, code for an operating system component, code for a game, data representing a movie, data representing graphics, data representing watermarked works, data representing a magazine, and data representing a book (col. 1, lines 17-19).

As per claim 51, it is disclosed by Ananda wherein the step of obtaining registration information comprises automatically obtaining hardware information associated with the secondary device (col. 3, lines 11-49 and col. 10, lines 4-15).

As per claim 52, it is taught by Ananda wherein the authentication code at least partially corresponds to a secondary device manufacturer (col. 9, lines 5-6 and col. 10, lines 4-15).

As per claim 53, Ananda discloses wherein the authentication code at least partially corresponds to a specific type of secondary device (col. 9, lines 5-6 and col. 10, lines 4-15).

As per claim 54, Ananda teaches wherein the step of linking comprises embedding the authentication code within the software (col. 3, lines 11-49).

As per claim 55, it is disclosed by Ananda wherein the step of linking comprises modifying the software based on the authentication code for use by an authorized secondary device (col. 3, lines 11-49 and col. 10, lines 4-15).

As per claim 56, it is taught by Ananda wherein the step of controlling access to the software comprises preventing the software from being transferred to an unauthorized secondary device (col. 3, lines 11-49 and col. 10, lines 4-15).

As per claim 57, Ananda discloses wherein the step of controlling access to the software comprises preventing unauthorized secondary devices from utilizing the software (col. 3, lines 11-49 and col. 10, lines 4-15).

As per claim 58, Ananda teaches wherein the steps of obtaining registration information, generating an authentication code, and linking the authentication code are preformed prior to the step of distributing the software to a user (col. 3, lines 11-49 and col. 10, lines 4-15).

As per claim 59, it is disclosed by Ananda wherein the step of distributing the software comprises distributing the software on a computer readable storage medium (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 60, it is taught by Ananda wherein the step of distributing the software comprises electronically distributing the software (col. 3, lines 19-32).

As per claim 61, Ananda discloses of installing an authorized representative entity on at least one of the primary and secondary devices (col. 10, lines 4-15).

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As per claim 62, Ananda teaches wherein the authorized representative entity is installed from a computer readable storage medium (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 63, it is disclosed by Ananda wherein the authorized representative entity is installed from a network (col. 9, lines 35-36).

As per claim 64, it is taught by Ananda wherein the step of controlling access to the software comprises preventing the software from being transferred to a secondary device unless the secondary device has an authorized representative entity installed (col. 3, lines 11-49 and col. 10, lines 4-15).

As per claim 65, Ananda discloses wherein the step of obtaining registration information comprises automatically obtaining registration information associated with the primary device and at least one secondary device (col. 3, lines 11-49 and col. 10, lines 4-15).

As per claim 66, Ananda teaches wherein the step of controlling access comprises restricting access to the software by the secondary device unless the secondary device can be automatically identified by the authorized representative installed on the primary user device (col. 3, lines 11-49 and col. 10, lines 4-15).

As per claim 67, it is disclosed by Ananda wherein the step of controlling access comprises providing limited access by the secondary device if the secondary device can not be automatically identified by the authorized representative entity installed on the primary user device (col. 3, lines 11-49 and col. 10, lines 4-15).

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As per claim 68, it is taught by Ananda wherein the step of controlling access comprises providing a second file type for use with the secondary device (col. 6, lines 57-65 and col. 10, lines 4-15).

As per claim 69, Ananda discloses wherein the primary user device comprises a computer and wherein the secondary device comprises a digital audio player (col. 6, lines 57-63 and col. 10, lines 4-15).

As per claim 70, Ananda teaches wherein the secondary device comprises a cellular telephone (col. 6, lines 57-63 and col. 10, lines 4-15).

As per claim 71, it is disclosed by Ananda wherein the secondary device comprises a portable user device (col. 6, lines 57-63 and col. 10, lines 4-15).

As per claim 72, it is taught by Ananda wherein the authorized representative entity installed on the primary device comprises a hardware device (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 73, Ananda discloses wherein the authorized representative entity installed on the primary device comprises software (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 74, Ananda teaches wherein the authorized representative entity installed on the primary device comprises hardware and software (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 75, it is disclosed by Ananda of contacting a remote authorized representative entity if the authorized representative entity is unable to authenticate the

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secondary device based on the authentication code (col. 1, lines 17-19; col. 10, lines 4-15; and col. 11, lines 61-65).

As per claim 76, it is taught by Ananda wherein the step of controlling access to the software is performed by the secondary device (col. 1, lines 17-19; col. 10, lines 4-15; and col. 11, lines 61-65).

As per claim 77, Ananda discloses wherein the step of controlling access to the software is performed by a remote authorized representative entity (col. 1, lines 17-19 and col. 11, lines 61-65).

As per claim 78, Ananda teaches wherein the step of controlling access to the software comprises modifying the software so the software is unusable (col. 10, lines 8-15).

As per claim 79, it is disclosed by Ananda wherein the software is included in a computer readable storage medium (col. 6, lines 57-63 and col. 9, lines 35-36).

As per claim 80, it is taught by Ananda of encrypting the authentication code (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 81, Ananda discloses of a method for reducing unauthorized use of software including digital content, the method comprising obtaining registration information associated with at least one portable user device; generating at least one authentication code based on the registration information associated with the at least one portable device; associating the authentication code with the software; transferring the software to a user computer; controlling access to the software using at least one authorized representative entity to inhibit access to the software by unauthorized

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portable user devices (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; col. 6, lines 57-63; and col. 10, lines 4-15).

As per claim 82, Ananda teaches wherein the software comprises digital content selected from the group consisting of data representing music, data representing video, instructions executable by a computer, code for an application program, code for an operating system component, code for a game, data representing a movie, data representing graphics, data representing watermarked works, data representing a magazine, and data representing a book (col. 1, lines 17-19).

As per claim 83, it is disclosed by Ananda wherein the step of obtaining registration information comprises automatically obtaining hardware information associated with the portable user device (col. 3, lines 11-28).

As per claim 84, it is taught by Ananda wherein the registration information corresponds to a group of portable devices (col. 3, lines 11-15).

As per claim 85, Ananda discloses wherein the authentication code corresponds to a group of portable devices (col. 3, lines 11-15).

As per claim 86, Ananda teaches wherein the authentication code at least partially corresponds to a secondary device manufacturer (col. 6, lines 57-63 and col. 10, lines 4-15).

As per claim 87, it is disclosed by Ananda wherein the authentication code at least partially corresponds to a specific type of secondary device (col. 6, lines 57-63 and col. 10, lines 4-15).

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As per claim 88, it is taught by Ananda wherein the steps of obtaining registration information, generating an authentication code, and associating the authentication code are performed by a remote authorized representative entity (col. 3, lines 11-15 & 21-28).

As per claim 89, Ananda discloses wherein the steps of obtaining registration information, generating an authentication code, and associating the authentication code are performed by the user computer (col. 3, lines 9-26).

As per claim 90, Ananda teaches wherein the step of controlling access is performed by the portable user device (col. 6, lines 57-63 and col. 10, lines 4-15).

As per claim 91, it is disclosed by Ananda wherein the step of controlling access comprises determining if a portable user device includes an authorized representative entity; and transferring the software to the portable user device only if the portable user device includes an authorized representative entity (col. 3, lines 9-26 and col. 10, lines 4-15).

As per claim 92, it is taught by Ananda wherein the step of controlling access further comprises determining if the portable user device is authorized to access the software based on the at least one authentication code using the authorized representative entity on the portable device; and controlling access to the software by the portable device using the authorized representative entity on the portable device (col. 3, lines 9-26 and col. 10, lines 4-15).

As per claim 93, Ananda discloses wherein the step of controlling access comprises modifying the software if the portable device is not authorized to access the software (col. 10, lines 8-15).

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As per claim 94, Ananda teaches wherein the step of modifying the software comprises reducing quality of content contained in the software (col. 10, lines 8-15).

As per claim 95, it is disclosed by Ananda wherein the step of modifying the software comprises rendering the software unusable on any portable device (col. 10, lines 8-15).

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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CR


November 12, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER

